

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Delany et al.

SERIAL NO.: 09/656,320

Group Art Unit: 3624

FILING DATE: September 6, 2000

Examiner: Karmis

FOR: **Method For Usage Billing In
An Internet Environment**

Petition to Under 37 C.F.R. §§1.127 and 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to an Advisory Action dated July 17, 2006, Applicants hereby request that the amendment to the claims presented in the Response After Final dated April 27, 2006 be entered into the record.

On September 14, 2005, the Examiner issued a Non-Final Office Action. As a result of an Interview held on December 13, 2005, amendments to claims 1, 6, and 11 as discussed with the Examiner during the interview were promptly submitted to the U.S. Patent and Trademark Office. The Response to the Non-Final Office Action was submitted on December 14, 2005.

On February 27, 2006, the Examiner entered the amendment and issued a Final Office Action reflecting consideration of the amendment filed on December 14, 2005. Applicants submitted a Response After Final on April 27, 2006. The Response After Final submitted by

Applicants on April 27, 2006 included an amendment to claims 1, 6, and 11 to place the claims in the identical condition as the claims which were fully considered by the Examiner in the Office Action dated September 14, 2005. Stated otherwise, the condition of claims 1, 6, and 11 as proposed in the amendment filed together with the Response After Final dated April 27, 2006 were fully examined and acted upon by the Examiner as reflected in the Non-Final Office Action dated September 14, 2005.

Applicants' Attorney has placed several telephone calls to the Examiner and the Supervisor to discuss this issue. On each occasion, the Applicants' Attorney was not able to reach the Examiner or the Supervisor and telephone messages were left on the voice mail answering system. To date, Applicants' Attorney has not received any response to any of the aforementioned telephone messages. As such, Applicants' Attorney has been placed in a position that requires submission of this petition to request entry of the amendment.

The Response after Final submitted on April 27, 2006 with the amendment to claims 1, 6, and 11 does not raise new issues that would require further search or consideration by the Examiner since these claims have been fully considered and by definition can not raise a new issue that would require further search or consideration by the Examiner. Based on the time line above, the Examiner has acknowledged that the condition of these claims as amended have been searched and examined. On the basis of the above facts, we respectfully petition the U.S. Patent and Trademark Office to grant relief by entering the Amendment After Final submitted on April 27, 2006.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 501336:

- Any additional filing fees required under 37 C.F.R. §1.16.
- Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

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